



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

November 14, 1988

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Procedures for Waivers for the Federal Information
Processing Standards (FIPS)

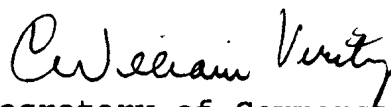
Under Section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) as amended by the Computer Security Act of 1987, I am authorized to approve standards for Federal computer systems, and to determine the extent to which such standards, which are issued as Federal Information Processing Standards (FIPS), should be compulsory and binding.

It has been necessary from time to time to waive the use of these compulsory FIPS when compliance would adversely affect the accomplishment of an agency's mission or cause a major adverse financial impact on the agency which is not offset by Governmentwide savings. For some previously issued FIPS, I have already delegated to the heads of agencies the authority to waive the standards under certain conditions. However, for other FIPS I have retained the waiver authority.

The provisions of the Computer Security Act of 1987 clarify the conditions for the delegation of waiver authority to the heads of departments and agencies. I think that these officials are best able to make the decisions about the impact of standards on agency mission and costs, and that the efficiency of Government operations would be improved if these officials had the authority to waive standards when necessary.

Therefore, I hereby delegate to you the authority to waive, under the conditions specified in the attached procedures, previously issued and all subsequent FIPS that are compulsory for Federal agency use in the acquisition and management of computers and related telecommunications systems. You may redelegate this authority only to a senior official designated pursuant to section 3506(b) of title 44 of the U.S. Code. The procedures for waiving these previously issued mandatory FIPS are attached.

If you have any questions regarding this change, please contact James H. Burrows; Room B154 Technology Building; National Institute of Standards and Technology; Gaithersburg, MD 20899.


Secretary of Commerce

Attachment

cc: Agency Senior Mgmt Officials and
Technical Contacts for ADP Stds
Senior Officials for Information
Resource Mgmt

PROCEDURES FOR WAIVERS
FOR THE
FEDERAL INFORMATION PROCESSING STANDARDS (FIPS)

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

- a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or
- b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, Room B-154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.